

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ANTHONY K. CHAPMAN, #643058	§	
VS.	§	CIVIL ACTION NO. 6:05cv347
MAJOR FOX, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Anthony K. Chapman, an inmate confined in the Texas prison system, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the complaint should be dismissed pursuant to the “three strikes” provision of 28 U.S.C. § 1915(g). The Plaintiff has filed objections.

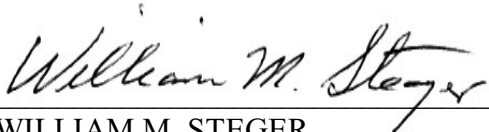
The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. The Fifth Circuit previously imposed the “three strikes” bar of 28 U.S.C. § 1915(g) in *Chapman v. Cletha*, slip op. no 01-41293 (5th Cir. Aug. 20, 2002). The exception to § 1915(g) is not triggered by the facts of this case. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the cause of action is **DISMISSED** with prejudice for purposes of *in forma pauperis* proceedings pursuant to 28 U.S.C. § 1915(g). It is further

ORDERED that the Plaintiff's *in forma pauperis* status is **REVOKED**. The Plaintiff may resume his lawsuit if he pays the entire filing fee of \$250 within thirty days from the entry of this order. *See Carson v. Johnson*, 112 F.3d 818, 823 (5th Cir. 1997). It is finally

ORDERED that all motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this 30th day of November, 2005.



WILLIAM M. STEGER
UNITED STATES DISTRICT JUDGE